

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALLSTAR MARKETING GROUP, LLC,

Plaintiff

**ORDER**

v.

21 Civ. 333 (PGG)

ALI DROPSHIPPING SUPPORT STORE, ALIEXPRESS  
GLOBAL DROPSHIPPING STORE, ALIHOME DESIGN  
STORE, ALINA LIVING STORE, BR SERVICE STORE,  
CAIDA STORE, COOCNICO OFFICIAL STORE,  
DONGGUAN AI CHENG TOYS CO., LTD., DROPSHIP-  
007 STORE, DROPSHIPPING HOUSE901 STORE, EFDKC  
OFFICIAL CAR ACCESSORIES STORE, EXQUISITE LIFE  
365 STORE, FANTASY H-OME & LIFE STORE, FOUR  
SEASONS' SONG, GUANGZHOU HAPPY ISLAND TOYS  
CO., LTD., H & M LUB-AN STORE, HEQU FASHION,  
HUNAN HECHENG YUANMAI EQUIPMENT CO., LTD.,  
JESSIC STORE, JIANDE JADE TEXTILES CO., LTD.,  
JOYLIVE STORE, JOYLOVE STORE, LITTLE FOR  
BABY STORE, MARKETHUB STORE, MEIHUA  
COSMETICS (HUIZHOU) CO., LTD., MSCARTOON  
STORE, NINGBO SUNREAL ELECTRONIC CO., LTD.,  
SHANGHAI GOT GIFT CO., LTD., SHANGHAI ZHEYI  
TRADING CO., LTD., SHENZHEN NEWSTAR  
ELECTRONIC TECHNOLOGY CO., LTD., SHENZHEN  
TUOYI ELECTRONIC COMMERCE CO., LTD.,  
SHOP4980079 STORE, SHOP5599062 STORE,  
SHOP910968013 STORE, SHOP910976005 STORE,  
SHOP911089025 STORE, SINDAX OFFICIAL STORE,  
SUERTE HAPPYNESS STORE, SWEETY & JUMPING  
GARDEN STORE, TOPSEXTOYS WORLD STORE,  
WARM LIGHTING LIFE STORE, YANGZHOU  
CREATIVE TOYS AND GIFTS CO., LTD., YANGZHOU  
HAITONG TEXTILE PRODUCTS CO., LTD.,  
YANGZHOU HOME KA CRAFTS LTD., YIWU  
BINGGOU TOYS CO., LTD., YIWU JIALING IMPORT  
AND EXPORT CO., LTD., YIWU LENORA TRADING  
CO., LTD., YIWU ZHANGHUOQING E-COMMERCE  
FIRM, YOUR HAPPINESS IS OUR PRIORITY STORE,  
ZAKONA 2BIKINI STORE, ZXCXZ  
HOUSEHOLDAPPLIANCE STORE and ZY FOR DROP  
SHIPPING STORE,

Defendants.

PAUL G. GARDEPHE, U.S.D.J.:

On February 14, 2022, following a default judgment hearing, this Court entered an order of default against Defendants Coocnico Official Store, EFDKC Official Car Accessories Store, Four Seasons' Song, and Little For Baby Store and noted that Plaintiff had only established a basis for the Court to exercise personal jurisdiction over these four defendants. (Dkt. No. 41) This Court directed Plaintiff to show cause by February 17, 2022, why its claims against the remaining forty-five Defendants (the "Remaining Defendants") should not be dismissed for lack of personal jurisdiction. (Id.)

On February 24, 2022, after the Court granted Plaintiff a one-week extension to make its filing, Plaintiff filed a letter regarding the issue of personal jurisdiction. (Feb. 24, 2022 (Dkt. No. 47)) In that letter, Plaintiff states that

[d]ue to Defaulting Defendants' failure to appear in this action, Plaintiff is unfortunately unable to establish whether each of the forty-five (45) remaining Defaulting Defendants have sold and shipped Counterfeit Products to consumers in New York. . . . On February 18, 2022, Epstein Drangel completed a test purchase of a Counterfeit Product from Happy Island and specified the New York Address as the shipping address, and shortly thereafter Happy Island issued an order confirmation to Epstein Drangel. Thus, Plaintiff can confirm that Happy Island sold and is in the process of shipping Counterfeit Products into New York. Accordingly, in addition to the Defaulting Defendants included in the Court's Order of Default, Plaintiff respectfully submits that this Court additionally has personal jurisdiction over Happy Island by virtue of its selling and shipping a Counterfeit Product to the New York Address.

(Id.)

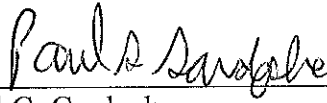
Because the proof regarding Happy Island involves conduct that occurred after the filing of the Complaint, the Court cannot consider this conduct in assessing personal jurisdiction. See Duravest, Inc. v. Viscardi, A.G., 581 F. Supp. 2d 628, 639 (S.D.N.Y. 2008) (noting that conduct that "occurred after the Complaint was filed [was] irrelevant to th[e] personal

jurisdiction] inquiry” (citing Darby v. Compagnie Nat. Air France, 735 F. Supp. 555, 560 (S.D.N.Y. 1990))).

Accordingly, the claims against the Remaining Defendants – including Happy Island – are dismissed without prejudice. The Clerk of Court is directed not to close this case.

Dated: New York, New York  
March 17, 2022

SO ORDERED.

  
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Paul G. Gardephe  
United States District Judge